

Rural Empowerment

The end of the year 1997 marked, among other things, the formal completion of a truly national event — the Union Parishad elections. The month-long event that really caught the imagination and involved the energy of rural people ever since it began on December 1, ended day before yesterday. Judging from the mass participation, the record of violence in its past versions and above all, the extremely bellicose mood now prevailing in country's political arena, the huge effort could be dubbed as quite a success. We commend the authorities for pulling off a vital step in the process of giving shape to a newly formatted local government system at a relatively low 'cost'.

Now that the elections are over and the people's representatives have been chosen, the idea of devolving power to the local authorities has to go through a reality check. In our view, the crunch part of the whole idea is the financial power or its extent as far as the elected representatives are concerned. Although there have been deliberations in the press and official circles about devolution of powers some gray vague areas do exist which might be called into question or at least could give rise to confusion once the dust settles and UP chairmen and women go about exploring their range of 'executive power'.

We call upon the government to address these probable operational lacunae sooner than later so that a good idea otherwise executed quite effectively does not get into the line of fire.

Not just the relatively lesser occurrence of fatal violence, the participation of women in large scale both in voting and the contests must go down as a phenomenon of far-reaching social implication. For the first time in the annals of these polls women were elected by direct votes to the three seats reserved for them in every union. Naturally it gave rise to resistance from the prejudiced so-called religious fanatics who were caught in a frenzy of declaring *fatwa* across the country. It proved an exercise in futility though. Mass participation of women has proved that rural Bangladesh has turned a corner; her women seem to have placed themselves firmly on road to empowerment.

Hazard of Young Women

In two incidents on Tuesday five young women were subjected to acid attack. Even after discounting the superstitious part of things occurring on the new year's day — that these would keep repeating round the year, we shudder at the sudden spurt in the acid-throwing crime.

This dastardly crime is nothing new. But only last year it made a stir in society when certain women's rights groups took up the challenge posed by this cowardly criminal act. The interest thus aroused in the public mind helped prompt some initiatives on both government and private levels to treat and rehabilitate the victims who happen to be all women. One expected that together with that the crime itself would be discouraged by the wideranging expression of social repugnance. That hasn't obviously happened.

There is no worse suffering for man and animals than burn injuries. And acid burns are the horriblemest of them all. And when the victim survives the attack and her skin heals — if she is not killed that is — the suffering continues, on human terms. What can be the appropriate punishment for those that wreak such a havoc on the individual, on her family, on the society at large? The law prescribes a punishment but it doesn't lay down any time limit on the carrying out of the sentence. This accounts for the prescribed stringent punishment failing totally to act as a deterrent.

When about a decade back there was a spate of acid throwing incidents, the then government very wisely acted to make selling and buying of acids difficult. Professional criminals do not use acid. The jilted lover or the infatuated big man in the area would hardly take the trouble to jump restrictions on acid selling. The rate of incidence then responded well to the action. It would possibly do the same now.

Meanwhile, how are things proceeding on the curative aspect or plastic surgery arrangements for the victims? Let us hope the enthusiasm has not cooled off.

Tab on Prices

The cost of living increased by at least eight per cent at the end of 1997 as compared with four per cent in 1996. The Consumer Association of Bangladesh (CAB) which released the figure placed its fingers on a vulnerable point saying that rice price is up by 1.93 per cent breaking the pattern of price decline of 4.72 per cent recorded during 1996. Tea price has gone up by 45 per cent, fuel by 28 per cent and house rent by 15 per cent plus, let alone powdered milk, meat and spices. Fertiliser price went up in addition to increases in the rates of utilities like electricity, water and gas.

The surmise that rice price might have gone up due to communication difficulties born of ferry congestions and hartals cannot hold water because cereal has been selling dear at the source itself, namely the northern districts of Bangladesh.

The upping of the cost of living index is worrisome by itself, to say nothing of the jacked up prices during Ramadan which are likely to stay where they are even after the month of fasting will have been over. So, we are in for quite an inflated price-line, to be sure.

The government will have to work out a price containment strategy along cooler lines. It will be no use blowing hot air via dramatic raids on the market-place. In the past these had the opposite effect of jolting supplies and pushing the prices even further up. We are for consumer resistance committees at the ward-level and official committees preferably at thana-level with some members drawn from the wholesale and retail business networks. The two sets of communities must integrate and interact to bear any fruit.

Woman as the Measure of Things

In struggles to save forests, struggles against pollution, in movements against militarisation, women are at the forefront. Because, historically and even today, it is the women who create, nurture and sustain.

PLATO once mused of man as the measure of things. President Vaclav Havel writes in his memoirs: "The most important thing is that man should be the measure of all structures. Including economic structure, and not that man be made to measure for those structures." The same refrain reverberated in the Social Development Summit in Copenhagen when the President of the summit, Poul Nyrup Rasmussen said: "Man has often treated Nature unwise and short-sighted. But man has treated her even worse. We are gathered here to promote social development and social justice placing the needs, aspiration, and rights of the people at the centre of our decisions and joint actions."

Since then national and international elite, ministers and managers have routinely reiterated the importance of security of the people. Discussions have ranged from human rights to probing the frontiers of information highway. The problem is that large segments of the population, women who hold up half the sky, are invisible in the country-side or visible and considered a nuisance in the city slums. Their lives if fortunate, are centred around a paddy field and a cooking pot. Mother and daughter trek for miles to collect a few dead branches or twigs to cook for the little ones or keep them warm in harsh winter. Some mother scavenges the harvested fields for left over grains to find the dream of her child — a morsel of food. The big decision for many others, the young and the hungry, is whether to prolong the miserable existence or move out to make shift hovels in urban centres or be co-opted by body merchants.

Assetless, rightless, remote and knowledge-deprived as they are, they live far from venues of conferences on human rights, and even further from a national or international airport, not to speak of the computer terminal and the information highway.

Yet, if security of the human kind, is the key indicator for a civil society, woman should be the measure of things. Why? The best answer is given by Professor Yunus: "It is due to a basic difference in the vision of life of men and women. It is almost a universal truth that a man's first priority is himself, his world view is 'me' — centred and focusses on 'today'. A woman likes to make things pleasant for others — her children, her husband, her household and she herself is the last on her list of preferences. Women also tend to have a longer term vision and they yearn for security. They are therefore effective managers of scarce resources and more reliable as agents of change." In fact, it can be argued that in poor households if men aggravate the poverty, it is the women who contribute to the livelihood strategies in most difficult and sometimes hostile circumstances.

But the conventional norms of society in Bangladesh are stacked against them. Their access to land, the most productive asset is through kinship entitlement, inheritance and marriage. Daughters inherit land, though less than the sons. Divinely ordained as it is, women can rarely enforce their

entitlement. They often waive it in favour of their brothers in exchange for possible protection in case of endowed, abandonment or divorce. Inequities in land entitlement are also manifest in educational opportunities and access to credit or income earning possibilities. Collaterally as the women are, access to credit has been an impossible dream for them, until Grameen Bank came forward with the innovative agenda of social collateral.

Yet what was the early experience? "If a woman applied

for a loan", writes Professor Yunus, "She would be questioned whether she had discussed it with her husband and if he approved her move. Finally, she would be asked to bring him along for the meeting. Nobody demands this kind of spousal approval to sanction loans to women Therefore, I wanted to ensure that poor, illiterate women had an option for financial resources Now almost 94 per cent of our borrowers are women."

Another example is the experience of members of SEWA (Self-Employed Women's Association) regarding the government's weaker section lending programme in Ahmedabad, India. "Being all women accompanied by children, filthy in appearance, unaccustomed to manners and business talks, they were annoying to and not much welcome by bank staff at their premises." Or as a woman worker in informal sector in an urban centre puts it. "If we go alone, who will listen to us? We don't know who to meet, what to ask for? People are rude to us, they think we are dirty and talk to us badly."

However, that may be, the Grameen Bank experience shows that as women become

self-employed or entrepreneurs in their own right and get organised, they can question and sometimes reverse the heretofore "non-decisional agenda", namely man's control over land, capital, technology and other valued resources. Some of them, who are now owners of their own houses cannot be thrown out, as often happened before, at the sweet will of the man of the house. Because when a woman member gets a housing loan from the bank, the stipulation is that the title of the plot of land where the house is sited must be transferred to the borrower's name. The marital relationship thus becomes more sober and stable for the

woman. Having said that, there is a new and exciting dimension. A Grameen member in a remote or isolated village is leap-forging into the information age using cellular technology. What has been prevalent, in women's contractual inferiority in the capital market is also true in the reluctance to see women in the countryside as germ-plasm collectors, seed selectors, and as the key players in preserving nature's diversity. The taboo of nondecisional agenda comes to the forefront. Land, capital, technology and information are all valued goods that imbue those who own or control them with power and prestige. Why should these resources be shared? Why should institutions be restructured and male power bases challenged? But challenged they must be. As Dr M S Swaminathan points out: "Traditional systems of farming depended on 'in situ' conservation of genetic variability, mostly by women in the form of numerous land races." I believe that plant breeding efforts with rural women will help a desirable blend of frontier and traditional technology. It means a reversal of power relations in the scientific establishment. The challenge for the scientists, if they are humble enough to take it, is to accept that women farmers are germ-plasm consultants and research curators and to develop field methodologies and management strategies that support women farmers in their roles.

Further, as I have written before in another context, if the

umbilical chord between ecological integrity and sustainable livelihood of the people are to be reestablished once again, it can only happen in an engendered environment. If biodiversity is threatened, it is the women's livelihood security and that of their families which is in jeopardy. When forests or lands or rivers or wells die, and I paraphrase from my friend Kamla Bhasin, it is the women who mourn the most, because they are the most affected. This is why, in struggles to save forests, struggles against pollution, in movements against militarisation, women are at the forefront. Because, historically and even today, it is the women who create, nurture and sustain.

Unfortunately, the enlightenment doctrinal belief in the supremacy of man over nature is the paradigm for the endless series of superior/inferior dichotomies that is characterised as masculine/feminine. And I quote Sandra Schneider: "At the male pole are divine creativity, power, intelligence, activity, goodness, independence, and at the female pole are natural passivity, weakness, instinct and emotionality, receptivity, evil and dependence. The short-hand cipher for this pervasive dualism is the spirit/body dichotomy, spirit representing everything divine, and body representing everything natural. The spirit is male, the body is female. Culture is the triumph of male spirit over female nature."

Perhaps it is time to let this deeply patriarchal theology stand on its head. Women integrates what has been dichotomised, empowers what has been marginalised and liberates what has been enslaved.

OPINION

CHT Peace Accord: A Critical Analysis

by Mohammad Mujibur Rahman

THE CHT peace accord which was signed on December 3, 1997 to protect the characteristics and attain overall development of the region has at the very outset the postulate that Chittagong Hill Tracts is a tribal inhabited region, although about 50 per cent inhabitants of the region are Bengali-speaking people, and Bengalis of CHT were never consulted while negotiating the accord. There is nothing in our constitution recognising CHT as a tribal inhabited region. The postulate therefore runs contrary to Section 1 of the Constitution, according to which Bangladesh is a unitary Republic. Again, according to Section 6 (2) of the Constitution, the citizens of Bangladesh should be known as Bangladeshis.

It may be noted in this connection that, sub-clause Ga (3) of the accord, defining non-tribal permanent residents who are not tribals but have legal lands and generally live in the hill districts at specific addresses has excluded Bengali-speaking people living in CHT as tenants by tilling land for others or hiring house in that region from all the rights and privileges including voting rights is CHT. This is in violation of Section 19(1) of the Constitution which ensures equality of opportunity to all citizens.

Under the accord, a Parbatya Zilla Parishad for each

of the three districts of Chittagong Hill Tracts will be formed. These Parishads have been entrusted with vast powers and responsibilities such as recruitment of class three and four employees, appointment of hill districts police down from Sub-Inspector, collection of Land Development Tax, etc., which are not given to any local government bodies in other districts. Again, although the Bengalis are about 50 per cent of the population in that region, two-thirds of the members of the Parishad will be elected from the tribals and one third from the local Bengalis. Under Section 9 of the Constitution, "special representation shall be given ... to peasants, workers and women." In this special there is no provision for special representation to the backward section of the citizens, let alone the special representation to the tribals. Therefore the provision for reserving two-thirds seats for the tribals only is ultra vires of the Constitution.

This is also in violation of Section 19(1), which says, "The state shall endeavour to ensure equality of opportunity to all citizens, and also Section 11, which says that the Republic shall be a democracy in which effective participation by the people through their elected representation in administration at all levels shall be ensured."

The sub-section 3(a) of section 29 empowers the state to

make special provision for any backward section of the citizens for the purpose of securing their adequate representation in the service of the Republic. This means, the state can fix certain quota or number of posts for the tribals in the service of the Republic. But on the plea of providing adequate representation, the appointments of tribals exclusively for all the posts of chairmen, District Councils, Regional Councils and Minister in-charge of CHT Affairs, and giving preference to the tribals for appointment of Secretary with the rank and status of Deputy Secretary in the Parishad, appointment of executive officer in the Regional Council, appointment of Chairman of CHT Development Board etc., will seriously affect the rights and interests of the Bengalis in CHT, and will be in violation of sections 19(1), 27 and 29 of the Constitution.

According to clause Ga 26 of the accord, without permission of the Parishad no land including leaseable khas land in the district can be leased out, sold or purchased. Even the government cannot acquire or lease any land, hills and forest without permission of the Parishad. This clause severely curtails the sovereignty of the Republic as it is a clear violation of Section 143 of the Constitution, which says, "There shall vest in the Republic, in addition to any other land or property law fully

vested, (a) all minerals or other things of value underlying any land of Bangladesh This is also in violation of Section 144 of the Constitution which says that "the executive authority of the Republic shall extend to the acquisition, sale, transfer, mortgage and disposal of property....". Besides land, the clause also curtail sovereignty of the Republic over forestry and mineral resources in CHT as the Parishad will be entitled to unspecified portions of royalty on forest and mineral resources in CHT.

Again, as in the Parishad, two-thirds of the members will be tribals it will be impossible for any Bengali to get permission to purchase land in CHT and settle there. This is a violation of Section 36 of the Constitution, which ensures that "every citizen shall have the right to move freely throughout Bangladesh, to reside and settle in any place therein", and also Section 42 of the Constitution which gives every citizen the right to acquire, hold, transfer, dispose of property.

Lastly, by making provisions for cancellation of the allotments of land to non-tribals and non-residents (not tribals) for rubber cultivation and other purposes not yet utilised and scrutiny of the legal right of ownership of land by non-tribals it seems an insidious plan has been obviously made not only to stop settle-

ment of Bengalis but to oust them from CHT.

According to clause Ga (1), a Regional Council will be formed combining the three Hill Districts' Local Government Parishads. According to the accord, the members of the Council will be elected indirectly by the elected members of the three Hill District Parishads, in which two thirds members will be tribals. Besides, the Chairmen (who will also be tribals) of the three hill districts will be ex-officio members of the council and they will have voting rights.

Under sections 59 and 60 of the Constitution, no power to make provision exclusively for the backward section of the citizens has been given to the government. In the same section, Local Government in each administrative Unit of the Republic can be entrusted to bodies composed of persons elected in accordance with law and every such body will perform within the appropriate administrative unit such functions as shall be prescribed by the act of the Parliament. But according to the statement dated 8-12-97 of the Law Ministry the Regional Council will be responsible to the Prime Minister, and to the legislature which is not an administrative unit. Therefore formation of a tribal-dominated Regional Council exclusively for CHT (not for any other greater districts), which is entrusted with vast powers and

will perform its functions under the legislature, is ultra vires of the Constitution.

Under Section 65 of the Constitution, there shall be a Parliament for Bangladesh in which shall be vested the legislative powers of the Republic. The Parliament can delegate to any person authority to make orders, rules, bye-laws etc. having legislative effect. It may be noted in this connection that, 'delegation of authority' does not imply a parting with power by the person who grants the delegation, but rather to the conferring of an authority to do things which otherwise that person would have to do himself (Eng. Huth V. Clarke 25 QBD 391,395). 'Delegate' is distinguished from 'Surrender' which is defined as meaning the relinquishment of a thing, or property right there to another (Ky Justice V. Burgess, 52 SW 2nd 726, 744 Ky 774).

The legislative powers and also the sovereignty of the Republic have been seriously curtailed due to clause Ga (13) of the CHT accord, according to which no law regarding Chittagong Hill Tracts can be formulated by the government without discussion with the Regional Council and done as per advice of the Council. Thus by virtue of this clause the legislative powers of the Republic, regarding CHT have rather been surrendered to the Regional Council.

The writer is a retired Collector of Customs.

Professionalism and the Quality of Service

by Md Masudul Huq

IN our country we do not speak about professionalism in our different offices and on. But in Western countries they speak about professional conduct off and on and advise to be professional while motivating. In UN Mission officers of different countries with different race, culture, religious background and tradition assemble together to fulfil a common mission within certain particular time according to UN charter. Peace keepers are from Army, Navy and Air Force or from Police department of member states of UN. They really work professionally, but if any one is found unprofessional he is returned back to his country or action is taken against him after due inquiry according to the mission rule/mandate.

To be a professional I think

one must know his job and to know his job he must know the law/rules by which he is guided. The next thing, he is to work neutrally and impartially according to law. In developed countries there are committees on professionalism of different organizations. These committees review whether they work professionally or not. Here is an example of professional discussion by cavalry force of one army unit in the West, collected from the InterNet: "Members, over the last several weeks we have had some very interesting and eyebrow raising discussion. We have not felt the need to get involved in moderating the discussion even when two or three were ongoing at the same time. Recent comments have prompted us to remind everyone that all are entitled to their

opinion and to maintain our professionalism when responding to a member's comments. In the end, we are all striving for the same thing, to make cavalry the finest "branch" in the army. If you would like to discuss a certain topic with someone personally, please send them a message, don't reply to the entire group. Your discussion recently have been outstanding. It is important when discussing something so near and dear to our hearts that we allow others to voice opinions. We hope to maintain this level of professional discussion. Keep up the good work. Your comments may help change the future of the cavalry force."

In my view if all professionals also maintain their standard in every phase of life, there will be

little chaos/problem around the world. Because chaos originates from dissatisfaction and dissatisfaction originates from injustice or intolerance. Of course tolerance is the foundation of democracy also which should be in practice in every family. But, it is not so due to long tradition and culture of many countries. This is to be changed.

There is one institute on ethics and professionalism in North Carolina. This institute brings together lawyers from across North Carolina to share ideas, concerns and practices which bolster the ethical standards of profession and further the ideals of professionalism within the legal profession and the system of justice.

According to North Carolina

institute on ethics and professionalism, "the duty of a lawyer in a government of laws is to uphold the law, regardless of whether he plays the part of the counselor or that of the advocate. He must know the law, be loyal to his client and maintain his own integrity."

According to a committee on professionalism, "A professional lawyer is an expert in law pursuing a learned art in service to clients and in the spirit of public service; and engaging in these pursuits as part of common calling to promote justice and the public good." There are many organisations and committees in USA on professionalism. One library of Florida Bar Association possesses over 100 research files which contain about 1000 research articles. The Florida Bar's centre for professionalism consists of a di-

rector and two staff members and is responsible for the day-to-day implementation and operation of the programme established by the commission. The director conducted 34 professionalism seminars since July '96. In my view, active, sincere and dedicated professionals are good professionals and they can be compared to a blooming rose which is desired by many in the society.

Similarly, teachers' professionalism is currently formed by factory model both by the public and educators in USA, so that the career path of teachers become effective thus building the capacity of teachers.

Is there anybody in our society to take up an initiative to set up a committee at least to advocate in favour of ethics and professionalism for our organisations?

To the Editor...

Cricket during Ramadan

Sir, The ensuing three nation Independence Cup cricket which begins in Dhaka from 10th of January, '98, coinciding, 10th of the holy month of Ramadan, should have been fixed after Eid in February, '98. We don't know how tight the schedule of the two foreign teams, India and Pakistan, are but fervent request should have been made to hold the much awaited tournament after Ramadan. Being one of the largest Muslim countries, it is not sensible on our part to hold a cricket tournament in the holy month of Ramadan. Let us not cite on how it is in Sharjah or even Pakistan. Ramadan is not the time for fun or feast but seeking extra blessings (Ibadat) and total devotion! Day long cricket with necessary drinks and lunch rather appears opposite to the strict conditions to fasting (Roza). The wild ecstacy in jubilation by usually large turn out of spectators may also

disturb the large number of devotees at the Baitul Mokarram.

Apart from the religious points of the view, cricket just won't be enjoyed while fasting. The authority concerned should look into the matter and if it's not too late shift the date after Eid. This is in spite of the fact that I am a great lover of the game but there can't be any compromise with facts.

Khawja Viqar Mohiuddin
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Legality of hartal

Sir, Many of us perhaps are not aware about the recent historic ruling by supreme court of India upholding the Kerala High Court Judgment declaring "the calling and enforcing of a Bandh or any political party, trade union or other organisation unconstitutional and illegal". The reaction to the SC verdict has been mixed but it is generally hailed by the public, trade and industrial circles as

timely and momentous. No doubt if implemented in letter and spirit it should have a major impact on not only the daily life of the people but also on their economy as a whole.

Bandh or hartal as called in our country used to be an acceptable form of protest because the national cost for suffering for a day or two was bearable. But the devastating economic and social effect that a hartal has on the life of a nation or a city today due to its misuse far outweighs the social benefit that comes out of this form of protest. Normally violence is implicit in the very calling and enforcing of a hartal.

The political groups and trade unions with vested selfish interests would term a blanket ban on hartal as a cruel slap on democratic rights. But calling of frequent hartals on flimsy grounds in the name of democratic right is leading the country towards anarchy and destruction. There is a strong, growing feeling in the country now that it is time for all parties

to sit together and evolve some consensus on mutually acceptable forms of orderly protest without bringing untold misery to the people. Otherwise, as a natural outcome one measure or the other is bound to come to remove the curse of Hartals.

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Government for whom?

Sir, We are concerned by certain developments in the country. For instance, many industries in our country have been sending out desperate cries for help as they are faced by unfair pressures from trading interests in the neighbouring country. Recently an advertisement was printed in the papers by the Packaging Industries Association of Bangladesh appealing to the Prime Minister and Commerce Minister regarding a proposed exhibition by the Indian Packaging Institute in

Bangladesh. As the advertisement pointed out, the motive behind the proposed exhibition was very clear: to take away business from the national printing and packaging industry even though many of our industries cannot export their products to India because of numerous barriers.

Recently another development also brings into question the sagacity of our government and its leaders. As reported in the press, when in the last 25 years the authority concerned in India has refused to issue a single sheet of registration form to register our relatively good quality pharmaceutical products. Bangladesh authorities have allowed Indian pharmaceutical companies to register and market hundreds of their low quality products in one go.

We all know that by now Bangladesh has become virtually an open market for all kinds of Indian products. In addition, it is also known that many foreign organisations are

actively patronising Indian business and professional interests in our country ignoring the consequences. For example, it is quite well known by now how some United Nations units are calling in business people from India and giving them work and how some multinational companies are going out of their way to help a few advertising agencies which hire Indian citizens. And this is being done even though the rules do not permit employment of foreign nationals in the service sectors.

What all this is doing is not only leading to the destruction of our national industries but is also taking away business and employment opportunities from the citizens of Bangladesh. Given the above facts we would like to know what our democratically elected government is doing to save the country from ruin.

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